

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	Case No. 3:13-cv-864-DCB-MTP
Plaintiff,)	(formerly 5:11-cv-117-DCB-MTP)
)	
v.)	
)	
MARKUS BRENT STANLEY,)	
)	
Defendant.)	
_____)	

AGREED ORDER

Now before the Court is the United States' Motion for Installment Payment Order and Imposition of Ten Percent Surcharge and the parties' Joint Stipulation for Entry of Installment Payment Order and Imposition of Ten Percent Surcharge.

IT IS HEREBY ORDERED:

FACTUAL FINDINGS

- A. The Court finds that Markus Brent Stanley (Dr. Stanley) is receiving or will receive substantial nonexempt disposable earnings from self employment that are not subject to garnishment;
- B. The Court further finds that there is no writ of garnishment of earnings in effect with respect to Dr. Stanley;
- C. The Court further finds that the unpaid balance on the judgment entered against Dr. Stanley (ECF No. 117), inclusive of interest according to statute, will be \$1,247,297.76 by January 31, 2016 if no payments are made before that time;
- D. The Court further finds that currently up to 15 shifts (180 hours) represents a reasonable monthly expectation for the amount Dr. Stanley will work over the course of the next several years;

E. The Court further finds that currently Stanley's average compensation exceeds \$215.00 per hour;

F. The Court further finds that \$6,000 represents the current reasonable monthly requirements for the support of Dr. Stanley, his family, and the maintenance of his employment as a physician;

G. Considering Dr. Stanley's income, resources, the reasonable requirements of Dr. Stanley and his dependents, other payments to be made in satisfaction of judgments against Dr. Stanley, and the amount due to the United States, the Court finds, pursuant to 28 U.S.C. § 3204, that a monthly payment to the United States in the amount of \$28,000 is currently reasonable under the circumstances for the payment of current federal and state income taxes and payments on the judgment debt in favor of the United States;

H. This Court has authority to enter this order pursuant to 28 U.S.C. § 3204;

ORDER FOR MONTHLY PAYMENTS

I. Markus Brent Stanley shall make monthly payments to the United States in the amount, in the manner and under the conditions described below, until (1) the judgment debt and (2) the statutory surcharge are paid in full:

- (1) Dr. Stanley shall pay the United States monthly \$28,000, reduced by the amount of any payments for current-year federal and state income taxes paid in the preceding month and adequately documented to counsel for the United States (the net amount hereafter referred to as the "Net Monthly Payment");
- (2) adequate documentation for purposes of determining the Net Monthly Payment shall be made by e-mailing to counsel for the United States first-hand documentation of the current-year tax payments showing the amount,

payee, date, and form of payment, and shall be received by counsel for the United States on or before the date on which the corresponding Net Monthly Payment is due to be made;

(3) the Net Monthly Payment shall be made:

- i. if by check, payable to the United States Department of Justice, and sent to:

Department of Justice ATTN: TAXFLU
P.O. Box 310, Ben Franklin Station
Washington, D.C. 20044
(for payments sent via regular United States Mail), or

Department of Justice ATTN: TAXFLU
Room 6647, Judiciary Center Building
555 Fourth Street, NW
Washington, D.C. 20001
(for payments sent via courier, such as FedEx, UPS, etc.);

- ii. if electronically, via Automated Clearing House (ACH) payment through the Pay.gov interface using account information to be provided to Dr. Stanley by counsel for the United States;

(4) the first Net Monthly Payment shall be received by the United States not later than 5:00 pm Eastern time on January 31, 2016, with payments in each successive month received by the United States not later than 5:00 pm Eastern time on the last day of that month;

J. A surcharge in the amount of \$117,466.37, representing ten-percent of the judgment entered against Dr. Stanley (ECF No. 117), exclusive of interest, is imposed and shall be paid from the Net Monthly Payment;

K. Until the statutory surcharge is full paid, each Net Monthly Payment shall be applied to the judgment debt and the statutory surcharge as follows:

(1) Ninety percent (90%) to the balance of the judgment debt, and

(2) Ten percent (10%) to the balance of the statutory surcharge;

L. Nothing in this Order shall limit the right of the United States to pursue any other collection action, including but not limited to setting off tax overpayments made by Dr. Stanley against the judgment debt consistent with 26 U.S.C. § 6402(a); and

M. The Court shall retain jurisdiction over this matter for the purpose of enforcing this order.

Entered this 17th day of December, 2015.

s/David Bramlette
JUDGE DAVID C. BRAMLETTE, III
SOUTHERN DISTRICT OF MISSISSIPPI